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HOOPES FAMILY WINERY PARTNERS, LP,
HOOPES VINEYARD, LLC, and LINDSAY BLAIR HOOPES

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF NAPA

NAPA COUNTY and THE PEOPLE OF THE STATE OF CALIFORNIA Ex. rel. THOMAS ZELENY, as Interim Napa County Counsel,

Plaintiffs,

v.

HOOPES FAMILY WINERY PARTNERS, LP, HOOPES VINEYARD, LLC, LINDSAY BLAIR HOOPES, and DOES 1 through 10 inclusive,

Defendants.

HOOPES FAMILY WINERY PARTNERS, LP, a California limited partnership, and HOOPES VINEYARD, LLC, a California limited liability company,

Cross-Complainants,

v.

NAPA COUNTY, DAVID MORRISON, in his official and individual capacities, AKENYA ROBINSON-WEBB, in her official and individual capacities, and DOES 1 through 10 inclusive,

Defendants.

CASE NO. 22CV001262
Assigned to Honorable Mark Boessenecker
Department: 1

NOTICE OF MOTION AND MOTION TO VACATE THE JUDGMENT

Date: March 25, 2026
Time: 8:30 a.m.
Dept: 1

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on March 25, 2026, at 8:30 a.m., or as soon thereafter as counsel may be heard in Department 1 of the above-entitled Court located at 1111 Third Street, Napa, California, Defendants HOOPES FAMILY WINERY PARTNERS, LP, a California limited partnership, HOOPES VINEYARD, LLC, a California limited liability company, and LINDSAY HOOPES (collectively "Defendants") will, and hereby do, move this Court to vacate or amend the judgment based on excessive damages and failure to make any inquiry into Defendants' ability to pay or the impact on their livelihood. (*See, e.g.*, Cal. Civ. Proc. §§ 187, 663) This Motion is made on the grounds that the fines and attorney fees imposed on Defendants are excessive in violation of the Eighth Amendment of the U.S. Constitution and Article I, Section 17, of the California Constitution. In the alternative, Defendants invite the Court to treat this filing as a renewed Motion for New Trial; although the first Motion for New Trial was filed more than sixty days ago, the issues raised in this renewed motion could not have been raised earlier because the amount of the fine and attorney fees had not yet been determined at the time the initial Motion for New Trial was filed. *See, e.g*., Cal. Civ. Proc. § 657. This Motion is based on this Notice, the Memorandum of Points and Authorities filed herewith, the Declaration of Lindsay Blair Hoopes filed herewith, all other matters of which the Court may take judicial notice, all previous filings in this action, and such further argument and other matters as may be presented at or before the hearing.

The Napa Court uses a Tentative Ruling System. To receive the tentative ruling, visit the court's website at http://www.napa.courts.ca.gov or telephone the court at (707) 299-1270 after 3:00 p.m. the court day before the scheduled hearing date. Unless the court directs otherwise, no oral argument will be permitted unless a party or counsel for a party requests a hearing by calling the court and all other parties or counsel no later than 4:00 p.m. the court day before the hearing.

DATED: February 11, 2026.

PACIFIC LEGAL FOUNDATION
A Professional Corporation

By: /s/Anastasia Boden
ANASTASIA BODEN
Attorney for
Defendants and Cross-Complainants
HOOPES FAMILY WINERY PARTNERS, LP, HOOPES VINEYARD, LLC, and LINDSAY BLAIR HOOPES

DATED: February 11, 2026.

By: /s/ Lindsay Blair Hoopes
LINDSAY BLAIR HOOPES
Attorney for
Defendants and Cross-Complainants
HOOPES FAMILY WINERY PARTNERS, LP, HOOPES VINEYARD, LLC, and LINDSAY BLAIR HOOPES

I. INTRODUCTION

A small Napa winery and one of its owners have been ordered to pay nearly $4 million in fines and attorney fees for allowing patrons to consume wine at a winery. Hoopes' conduct caused no harm to the public, was long known to Napa County, and was repeatedly approved through state-level permitting processes. Defendants even paid taxes on it for years. And there's no dispute that as a Type 02 licensee under the state Department of Alcoholic Beverage Control (ABC) and a lawful small winery under Napa County law, Hoopes can legally sell wine to the public. It is accused only of allowing patrons to consume that wine on its premises rather than across the street or at a public park, which Napa calls a nuisance. For this they now face catastrophic fines.

The Eighth Amendment of the United States Constitution and Article I, Section 17, of the California Constitution prohibit fines that are grossly disproportionate to the gravity of the offense or that destroy a person's ability to earn a living. Yet here, the County imposed penalties that *exceed the property's lifetime revenue*, will bankrupt the multigenerational winery and personally bankrupt Ms. Hoopes, and threaten the forced sale of the vineyard—all for conduct that is expressly legal at large wineries in Napa County and that is now being affirmatively legalized across Napa County at even non-winery vineyards, which are less equipped to handle on-site consumption than small wineries like Hoopes. And it did so through expensive and prolonged litigation rather than its typical administrative process. This is exactly what the Excessive Fines Clauses of the federal and state constitutions were meant to protect against. Defendants respectfully request that this Court vacate, or, in the alternative, amend the judgment to lower the fines and fees based on Defendants' culpability and ability to pay.

II. LEGAL STANDARD

"An aggrieved party may file a motion to vacate judgment based on a decision by the court (nonjury trial) or a jury's special verdict. CCP § 663." *Redbuilt, LLC, v. Southbay Design Ctr., Inc.*, No. YC071235, 2018 WL 8949748, at *1 (Cal. Super. Ct. Sep. 12, 2018). California Code of Civil Procedure § 663 "empowers a trial court, on motion of '[a] party ... entitl[ed] ... to a different judgment' from that which has been entered, to vacate its judgment and enter 'another and different judgment.'" *Forman v. Knapp Press*, 173 Cal. App. 3d 200, 203 (1985) (citation omitted). "It is

designed to enable speedy rectification of a judgment rendered upon erroneous application of the law to facts which have been found by the court or jury or which are otherwise uncontroverted." *Id.*

California Code of Civil Procedure § 187 grants broad discretion to the court including "all the means necessary to carry [the Constitution or this Code] into effect" even "if the course of proceeding be not specifically pointed out by this Code or the statute, any suitable process or mode of proceeding may be adopted which may appear most conformable to the spirit of this Code."

III. LEGAL ARGUMENT

The judgment fails proportionality under every relevant Excessive Fines factor: the offense caused no harm; comparable violations are punished minimally; the penalties dwarf Defendants' culpability; and the judgment will destroy Defendants' livelihood. Any one of these would justify relief. Together, they compel it.

A. The Fines Are Excessive

According to the Supreme Court, "[t]he touchstone of the ... Excessive Fines Clause is the principle of proportionality: The amount of the forfeiture must bear some relationship to the gravity of the offense that it is designed to punish." *United States v. Bajakajian*, 524 U.S. 321, 334 (1998). When considering whether a fine is excessive under the Eighth Amendment, courts consider the nature of the offense and any harm caused, and whether the fine will deprive a person of her future ability to earn a livelihood. *Id.* at 336, 338.

Under the California Constitution, the court considers "(1) the defendant's culpability; (2) the relationship between the harm and the penalty; (3) the penalties imposed in similar statutes; and (4) the defendant's ability to pay." *See, e.g., People v. Aviles*, 39 Cal. App. 5th 1055, 1070 (2019). The analysis under both the Excessive Fines Clause and the California Constitution is largely co-extensive, except that the state constitution requires consideration of the defendant's ability to pay, while federal courts are split on whether the federal Constitution requires the same.[1] Each factor weighs in favor of granting the motion.

[1] The Ninth Circuit has refused to consider the ability to pay under the Eighth Amendment, and there is a circuit split on this issue. *Compare Pimentel v. City of Los Angeles*, 974 F.3d 917, 925 (9th Cir. 2020) and *United States v. Aleff*,

i. The nature of the offense is minor

The $1,525,000 in fines are vastly disproportional to the nature of the offense. Under this factor, courts consider the gravity of the crime and any harm to the public. *See Bajakajian*, 524 U.S. at 339 ($357,144 fine was excessive in relation to a reporting violation that harmed no one); *United States v. $100,348.00 U.S. Currency*, 157 F. Supp. 2d 1110, 1119 (C.D. Cal. 2001) ($100,348 fine for reporting violation was similarly excessive). Both factors weigh in favor of excessiveness.

First, Defendants have made good faith efforts to comply with a confusing and inconsistently applied land use scheme. Defendants reasonably believed that SWEs' long-standing practice and Napa's approval of their state Type 02 license meant they could, in fact, allow at least some on-premises consumption. And they have consistently paid state and local taxes on such activity. This led Malia M. Cohen, California State Controller and Chair of the Franchise Tax Board, to ask how the state and county could collect taxes "for so many years" for activity that "allegedly [] was not allowed…." *See* Decl. of L. Hoopes, Ex. H, Ltr. from Controller.

The State of California's regulatory scheme explicitly permits Hoopes to conduct tours and tastings as part of its Type 02 Winegrower business. The State is not authorized to grant a Type 02 permit unless the applicant is allowed to engage in all permitted conduct under local law. Thus, as part of the permitting process, the relevant county reviews the application and may object if it's not consistent with local law. Here, ABC requested that Napa County confirm that the Hoopes property was zoned *and entitled* to receive a Type 02 license. Napa confirmed that "the intended use is allowed and approved" and that a "use permit" has been approved since 1987. *See* Decl. of L. Hoopes, Ex. D, Napa County's Application Response Form to the ABC. The Type 02 license not only allows licensees to engage in retail sale for off-premises consumption, but also retail sale for on-premises consumption, Bus. & Prof. Code § 23358(a)(2), § 23358(a)(3), § 23358(a)(4), tastings of wine produced or bottled by the licensee both on and off the premises, Bus. & Prof. Code

772 F.3d 508, 512 (8th Cir. 2014). Plaintiffs believe that ability to pay is a relevant factor under the federal Constitution and weighs in Defendants' favor for all of the same reasons argued under the California Constitution and reserve the argument for appeal.

§ 23356.1, Cal. Code Regs. tit. 4, § 53(a)(1), and to offer free samples, Bus. & Prof. Code § 23386(a). ABC issued Hoopes the Type 02 license in 2019, and later approved Hoopes to expand its licensed premises and designate an outdoor consumption area for customers in 2021. *See* Decl. of L. Hoopes, Exs. D & F, ABC Application Response and Approval.

What's more, the County's own documents show that at least some SWEs were known to conduct some form of tastings.[2] Decl. of L. Hoopes ¶¶ 2–3, Exs. A & B, 2012 Napa County Winery Database and 2015 Napa County Winery Database. And Hoopes' predecessor had long hosted tastings so long as they were by appointment.[3] *See* Decl. of L. Hoopes ¶ 1. The County's own 2012 Public Winery Database—the first official interpretation of Defendants' property entitlements and the first official interpretation of the SWE scheme—confirms that the County interpreted Defendants' property entitlements as including "tastings by appointment." *See* Decl. of L. Hoopes, Ex. A, 2012 Napa County Winery Database. To the extent that the County believed this was a violation, it has underenforced those supposed violations for years. Because this has been common practice for decades, and because of Napa's inconsistent communications, Defendants (and many other SWEs) have felt as if they were in limbo and without clear direction on what is and what is not allowed. Yet they've made good faith efforts to comply by trying to figure out how the County defines "tastings" and repeatedly sought clarity over whether a tasting means offering free samples, selling samples, selling small bottles, or any consumption at all.

Hoopes has continuously made good faith efforts to comply by communicating with Napa County officials to resolve any issues or misunderstandings. *See* Decl. of L. Hoopes, Ex. E, Communications between representatives for Hoopes and Napa County. But these efforts have been met with stonewalling or waffling from the County on whether Defendants' conduct was legal,

[2] Defendants do not submit this evidence to prove whether or not they were, in fact authorized by the County to offer tastings. Rather, they submit it to demonstrate that the County knew and tolerated at least some tastings, which contradicts any argument that SWEs were categorically prohibited from conducting them.

[3] Stu Smith, Robert Brakesman, and Heather Griffin—the only trial declarants with personal, contemporaneous knowledge of the relevant planning, approval, entitlement, and licensing schemes—testified that for forty to fifty years they operated similarly situated small wineries under the understanding that appointment-only tastings were permitted and essential, and Brakesman in particular founded and operated an SWE entitled the same week as Defendants for forty years.

whether Napa would issue a citation, and then issuing a Notice of Apparent Violation out of the blue.

Even the courts seem to take an inconsistent view of what constitutes an illegal "tasting." On October 7, 2025, the Superior Court for the County of Napa issued a Proposed Statement of Decision in *Naoko Dalla Valle v. Shelia Loewenstern*, Case No. 22CV001123, interpreting NCC Section 18.08.600. *See* Decl. of L. Hoopes, Ex. I. In that case, it was alleged that Dalla Valle violated section 18.08.600 by "invit[ing] industry insiders to the winery for tastings[,]" *id.* at 5–6. The Napa County Court noted that "[S]ection 18.08.620 defines tours and tastings" as those "limited to persons who have made unsolicited prior appointments for tours or tastings." *Id.* at 6. Thus, a winery does not violate Section 18.08.600 when it holds wine tastings for persons who were solicited. Yet here, on-premises consumption has been deemed categorically illegal and is used to justify ruinous fines and fees.

Meanwhile, the County is currently expanding wineries' ability to conduct tastings, implicitly recognizing the economic importance to wineries and the lack of any harm to the public. After the State created a new ABC Estate Tasting Event Permit (Type 93), Napa County passed a resolution allowing certain holders of a Type 02 winegrower license (like Hoopes) to conduct estate tasting events in vineyards disconnected to wineries that they own or control. *See* Decl. of L. Hoopes, ¶¶ 16–18, Exs. J & K. This scheme therefore permits tastings in vineyards and fields, even when they lack facilities, parking, septic, and (often) electricity, undercutting the County's arguments that Hoopes' own activities posed some threat to the public. *Id.* Yet Defendants are now subject to millions of dollars in fines for allowing [4]harm was ever reported to the public. In sum, this is not flagrant disobedience, but rather genuine confusion produced by the County's policies and lack of responsiveness.

Second, Defendants caused zero harm to the public; not one person was harmed by consuming wine on the Hoopes premises that they could've otherwise purchased and consumed in

[4] That the County may have forced Hoopes to complete updates at significant costs had Hoopes applied for a new license does not mean that Hoopes is not currently compliant with County code. To the contrary, they have conducted repeated inspections which demonstrate that their buildings are safe and legal.

local public parks or across the street from the winery. And since Napa County has agreed that vineyard properties without septic are safe for wine consumption, they can no longer credibly argue that consuming wine necessarily implicates septic use or creates any related safety concern. Any concerns about foot traffic are offset by the fact that Hoopes is currently authorized to have *unlimited* foot traffic for retail sales; they are accused only of not getting a "land use entitlement" allowing them to entertain foot traffic for tastings. Defendants' actions are thus similar to *Bajakajian*, where the person's sole crime was violating "a reporting offense" that caused only "minimal" harm and could not justify a large fine. *See Bajakajian*, 524 U.S. at 337–38.

Imposing crippling, business-ending fines under these circumstances is unreasonable and unjust. The punishment needs to fit the crime; $3,960,013.05 does not meet that standard.

ii. Penalties are lower in similar statutes

Under the California Constitution, courts consider the penalties imposed in similar statutes.[5] State and local authorities regularly impose far lower penalties for similar violations. For example, neighboring Sonoma County imposes civil penalties of $25 to $100 per day for commercial violations of its county code and $5 to $100 per day for other violations,[6] such as improperly using accessory structures, keeping an excess number of animals, or storage, disposal, or transportation of solid waste violations. Neighboring Marin County imposes a base fine of $35 with an additional

[5] What's more, even under the relevant statute, the computation of fine appears erroneous. It was calculated based on a daily penalty of $1,250 for 1,220 days; beginning from one year before the complaint was filed (due to a one-year statute of limitations in the County) and concluding when the preliminary injunction was entered. This is improper for a multitude of reasons. First, Hoopes is not open to the public seven days per week and therefore was not engaging in the behavior complained of for each of the 1,220 days; Napa concedes that Hoopes is permitted to operate its business to make and sell wine, so any days that they were open but did not engage in the allegedly violative conduct (i.e., conduct tours or tastings) should not accrue a violation. Second, the clock should not have continued to run while this issue was litigated (a period of more than two years), particularly because the County was denied a TRO early in the case and Defendants have the right to defend themselves against these charges. To hold otherwise would diminish the right of Defendants to defend themselves against allegations of wrongdoing and undermine the effect of the earlier judgment denying the TRO. That is, Defendants were explicitly allowed to continue operating by that earlier order and should not be penalized for it. Additionally, it is inappropriate to continue accruing the daily penalties for the duration of litigation because to do so incentivizes the County to increase its own profits by delaying proceedings through requests for extensions, continuances, extending calendared deadlines and other tactics and pressures Defendants into curtailing their own best defense in a race to stop the clock. *See, e.g.*, *Culley v. Marshall*, 601 U.S. 377, 396 (2024) (Gorsuch, J., concurring, joined by Thomas, J.); *id.* at 405 (Sotomayor, J., dissenting, joined by Kagan and Jackson, J.J.) (warning that confiscatory statutes that enrich the government raise unique due process problems and merit greater scrutiny than courts often give them); *Deane Gardenhome Ass'n v. Denktas*, 13 Cal. App. 4th 1394, 1399 (1993) ("All too often attorney fees become the tail that wags the dog in litigation.").

[6] https://permitsonoma.org/divisions/codeenforcement/violations/violationpenaltyfees#penalties.

$123 in penalty assessments and surcharges for similar offenses,[7] including failing to obtain a required use permit or maintenance of a public nuisance. The maximum total fine for a general public nuisance is $1,000 under the California Penal Code §§ 19, 372, 373(a).

Napa, by contrast, pursued exorbitant penalties, originally seeking $6,100,000 in penalties alone, amounting to $5,000 per day for 1,220 days. *See Order After Hearing Regarding Plaintiff's Remedied Brief Following Phase I Bench Trial*, at 16. This Court later imposed a $1,250 per day fine for nuisance and violation of the Unfair Competition Law based on the same conduct. Not only are the potential fines lower in comparable statutes, but also large fines are not typically pursued or awarded in zoning enforcement actions absent egregious circumstances. Some examples include $1 million for a dangerous excavation in downtown San Francisco,[8] and a $1 million settlement for elderly tenants whose landlord attempted to constructively evict elderly, fixed-income tenants by withholding heat and deferring critical maintenance.[9] A penalty of $663,000 was imposed on the landlord whose violations "included a complete lack of heat to [the] elderly … insufficient heat to others, broken and leaking walls and ceilings, exposed wiring, lack of adequate fire protection, and illegal construction that blocked fire and emergency egress. Some of violations went uncured for years, and tenants suffered illness and cold." *City & Cnty. of San Francisco v. Sainez*, 77 Cal. App. 4th 1302, 1323 (2000). Defendants' actions here, which are not dangerous and caused no injury or public harm (and are even lawfully licensed by ABC at the premises), are not on par with these offenses.

Further, if this enforcement action had been pursued through an administrative hearing in 2020 as requested by Defendants, no attorney fees would have accrued, and the administrative fines for general code violations are $100 for the first offense, $200 for the second offense, and $500 for the third and all subsequent offenses. *See Napa County Schedule of Fines, Resolution Number 05-187*. In sum, Napa has sought, and this Court has imposed, some of the highest possible fines for

[7] https://www.marin.courts.ca.gov/system/files/general/7a-ord-marin-county-2025.pdf.
[8] https://www.kron4.com/news/bay-area/turn-it-and-burn-it-san-francisco-house-flipper-ordered-to-pay-city-1m/.
[9] https://www.cbsnews.com/sanfrancisco/news/oakland-sro-landlord-pay-1-million-tenants-lawsuit/; *see also* https://www.crcgroup.com/Tools-and-Intel/post/habitability-lawsuits-raise-new-risks-for-apartment-owners-insurers (juries imposing million dollar damage awards on similar landlords).

the least harmful conduct and despite opportunities to resolve the legal dispute in other, less financially destructive ways.

iii. This Court should consider Defendants' inability to pay

The Excessive Fines Clause was intended to incorporate, in part, the English legal principle of *salvo contenemento suo*, or saving one's contenement, or livelihood. Thus, California courts consider a defendant's ability to pay and whether the fine will drive the person into destitution when determining whether a fine is excessive under the state constitution. *Adams v. Murakami*, 54 Cal. 3d 105, 110–11 (1991) (a punitive damages award "can be so disproportionate to the defendant's ability to pay that the award is excessive for that reason alone"); *see also Wyatt v. Union Mortg. Co.*, 24 Cal. 3d 773, 790–791 (1979); *Egan v. Mutual of Omaha Ins. Co.*, 24 Cal. 3d 809, 823–824 (1979); *People v. Castellano*, 33 Cal. App. 5th 485, 490 (2019). And they have ruled that awards cannot be crafted in a way that avoids excessiveness without evidence of a defendant's financial condition. *Murakami*, 54 Cal. 3d at 111. Evidence of total net worth also bears on due process and proportionality. *See, e.g.*, *Sainez*, 77 Cal. App. 4th at 1318–22 (penalty was excessive where it represented approximately 28.4% of net worth and 120% of rent during the period of the violation); *Cf. Kinney v. Vaccari*, 27 Cal. 3d 348, 356 (1980) (penalty not excessive where it was proportional to landlord's misconduct and necessary to achieve deterrent purposes).

Here, the fines far exceed Defendants' ability to pay. *See* Decl. of L. Hoopes, ¶¶ 19–39. The $3,960,013.05 judgment will bankrupt Hoopes Family Winery and Hoopes Vineyard, LLC, forcing the sale of the vineyard. Decl. of L. Hoopes, ¶¶ 19, 29, 39. Because she's been held personally liable, Lindsay Hoopes will be personally bankrupted by the fines. *Id.* ¶¶ 30–32. She has already lost her family's original vineyard and family home, which had to be sold to fund this litigation and pay down the entire small business loan on the winery premises after the bank called the loan due to the lawsuit. *Id.* ¶¶ 24, 34. Total revenue of the property from on-site activities has never exceeded $500,000 and the penalized activities have not generated more than $200,000 in gross revenue. *Id.* ¶ 35. Retail sales amounted to approximately $22,000 total for the past four years. *Id.* ¶ 37. Thus, the $1,525,000 fine is estimated to be 50% of the property's value and represents more than the property has ever made cumulatively through any commercial business activity

conducted on the property. *Id.* ¶¶ 36, 38. And the entire property cannot be said to be an instrumentality of illegal activity justifying forfeiture, because much of Hoopes' revenue comes from legal wholesale distribution of wine sold around the country. "Such a 'confiscatory result [is] wholly disproportionate to any discernible and legitimate legislative goal' and [is] 'so clearly unfair' as to require reversal." *Sainez*, 77 Cal. App. 4th at 1311 (cleaned up).

B. The Attorney Fees Are Punitive and Subject to the Excessive Fines Clause

When considering whether a sanction falls under the ambit of the Excessive Fines Clause, courts must look not to labels, but to whether the sanction is at least *partially* punitive. *Austin v. United States*, 509 U.S. 602, 622 (1993). American courts have long recognized that legal expenses may serve punitive purposes. *See, e.g.*, *People v. Sherrill*, No. 358371, 2023 WL 4044590, at *14 (Mich. Ct. App. June 15, 2023), *appeal denied*, 513 Mich. 972 (2024); *State v. Cannady*, 78 N.C. 539, 542 (1878) ("where the judgment is that [the defendant] pay a fine of so much and the costs, one is as much a punishment as the other"); *Charles v. Daley*, 846 F.2d 1057, 1063 (7th Cir. 1988) ("[P]unishment and deterrence are undeniably important purposes of section 1988," which authorizes attorney fee for prevailing party in civil claim enforcing constitutional rights). Imposing attorney fees on a losing party is intended to "deter" unwanted litigation and "punish" the loser. *White v. Gen. Motors Corp.*, 908 F.2d 675, 684 (10th Cir. 1990). For this reason, juries in punitive damages cases are often instructed that they may consider the plaintiff's legal expenses in determining an appropriate sanction. *See, e.g.*, *Pacific Mut. Life Ins. Co. v. Haslip*, 499 U.S. 1, 15–16 (1991). Similarly, when addressing restitution orders, courts have ruled that restitution is compensatory only when tied to actual loss; when it exceeds that loss, it functions as punishment. *See, e.g.*, *United States v. Lessner*, 498 F.3d 185, 206 (3d Cir. 2007) (restitution untethered to loss becomes punitive); *People v. Hanson*, 23 Cal. 4th 355, 361 (2000) (restitution must be rationally related to victim's loss, otherwise it is punitive). These examples confirm that attorney fees can function as punishment. And when they do, they fall squarely within the Excessive Fines Clause.

Here, the fines constitute punishment because they are imposed as a consequence of wrongdoing and serve to make the County whole not for some loss or harm caused by Defendants' conduct, but instead to penalize Defendants by forcing them to shoulder costs that the County would

ordinarily shoulder itself. When combined with the underlying monetary penalties, the attorney fees dramatically magnify the sanction imposed on Defendants.

i. The attorney fees are excessive

The attorney fees are excessive for the largely same reason as the fines, and Hoopes has no hopes of paying them. But what's more, the County chose to pursue a long, complex trial rather than an administrative procedure, as Hoopes requested in 2020, which would've avoided these litigation costs almost entirely. And then it handed that trial off to private counsel, which had a monetary incentive to draw out litigation and drive up costs.

In *Beames v. City of Visalia*, 43 Cal. App. 5th 741, 748–63 (2019), a court awarded a party costs where the government "compound[ed] the negative effects of unnecessary litigation" by continuing litigation even though "it had long tolerated a collection of complementary auto-related businesses in the neighborhood despite the contrary zoning, had initiated enforcement action against only one owner simply because unidentified persons had complained, and was at that moment considering regularizing the presence of all the businesses." Together, this meant the government had "generated unnecessary expense." *Id.* Similar to *Beames*, Napa County pursued expensive and complex litigation even while moving forward with a new scheme that would allow vineyard tastings on properties that do not include a winery, and which are *less* suitable for the activity than the long state-permitted winery operations at Hoopes. *See* Decl. of L. Hoopes, ¶¶ 16–18, Ex. J, Agenda for 12/16/25 Napa County Board of Supervisors, Ex. K, Resolution. And it did so despite widely tolerating some form of tastings at SWEs for decades. It would be inappropriate to saddle Defendants with exorbitant attorney fees when the County could've easily and quickly pushed for lower fines at an administrative hearing, as requested by Defendants.

What's more, by turning over the prosecution to a private law firm that specialized not in property but in employment law, the County created a perverse financial incentive to waste time and bill excess hours. This resulted in anomalies, such as conducting forty days of depositions, suspicious block billing, utilizing at least twenty different timekeepers with varying hourly rates ranging from $110 to $405 (with some failing to identify any hourly rates at all), billing more than twenty hours in one day by one timekeeper whose name did not appear during four years of

litigation, and failure to provide detail on the hours spent on specific tasks or broken down by phases of litigation or by timekeeper. The attorney fees racked up by private attorneys in this case were unnecessary, punitive and excessive; and this Court should vacate them or decrease them to a reasonable level that will not bankrupt Defendants.

IV. CONCLUSION

The fines imposed against Defendants will bankrupt them, despite having never resulted in any harm against any member of the public, and despite that Defendants were operating in good faith under an antiquated and vague law that has been inconsistently administered for years. Defendants respectfully request that this Court vacate or amend the judgment to consider Defendants' ability to pay and to avoid an Excessive Fines Clause violation.

DATED: February 11, 2026. PACIFIC LEGAL FOUNDATION

By: /s/Anastasia Boden
ANASTASIA BODEN
Attorney for
Defendants and Cross-Complainants
HOOPES FAMILY WINERY PARTNERS, LP,
HOOPES VINEYARD, LLC, and
LINDSAY BLAIR HOOPES

DATED: February 11, 2026.

By: /s/ Lindsay Blair Hoopes
LINDSAY BLAIR HOOPES
Attorney for
Defendants and Cross-Complainants
HOOPES FAMILY WINERY PARTNERS, LP,
HOOPES VINEYARD, LLC, and
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